

Claims 22, 23, 45, and 46 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Brenner in view of LaDue U.S. Patent 5,999,808.

Claims 8-13 and 31-36 are objected to as being dependent upon a rejected base claim.

The Examiner indicated that the Information Disclosure Statement (IDS) filed February 20, 2001 fails to comply with 37 C.F.R. § 1.98(a)(2) because copies of the "Other Documents" listed on page 2 of the Form PTO-1449 that accompanied the IDS were not received.

#### Summary of Applicant's Reply

The rejections and objection are respectfully traversed.

Applicant encloses herewith copies of each of the "Other Documents" listed on the Form PTO-1449 that accompanied the IDS filed February 20, 2001.

#### Applicant's Reply To The Rejection Of The Claims

Independent claims 1 and 24 are directed toward a method and system, respectively, for placing interactive wagers on races that are to be run using an interactive wagering application that is implemented using user equipment. The user is provided with an opportunity to direct the interactive

wagering application to automatically select at least one runner to be used in a wager for a race to be run.

In rejecting independent claims 1 and 24, the Examiner stated that "[a]n artisan of ordinary skill could easily determine by a reading of Brenner that all of the instantly claimed subject matter is disclosed."

Brenner shows easy to use interactive screens that allow a user to place wagers using an off-track terminal. The user can interactively select a desired racetrack, select a desired race, place wagers, place wager amounts, select a desired runner or runners, and view information on odds, pools, and payoff amounts in addition to other information that a user may find useful when placing a wager.

While it is true that the practice of the claimed invention may implicate Brenner, Brenner does not teach the specific improvement of providing the user with an opportunity to direct the interactive wagering application to automatically select at least one runner to be used in a wager for a race to be run as required by claims 1 and 24.

This feature may be very useful for both novice and experienced users:

Because the user does not need to decide which particular horses to wager on, this feature may be attractive for novice users who are not familiar with the various horses who are running in a race. The feature may also be attractive to more experienced

wagerers who occasionally would like to make a random selection (either as a stand-alone wager or as part of a group of wagers).

Specification, page 30, lines 12-19.

For at least the foregoing reasons, applicant respectfully submits that claims 1 and 24 are in condition for allowance. Claims 2-7 and 14-23 which depend from claim 1, and claims 25-30 and 37-46 which depend from claim 24, are therefore also in condition for allowance.

#### Applicant's Reply To The Objection Of The Claims

Applicant respectfully requests that the Examiner's objection to claims 8-13 and 31-36 be withdrawn because the base claims from which they depend, claims 1 and 24, are in condition for allowance.

#### Information Disclosure Statement

The Examiner indicated that the Information Disclosure Statement (IDS) filed February 20, 2001 fails to comply with 37 C.F.R. § 1.98(a)(2) because copies of the "Other Documents" listed on page 2 of the Form PTO-1449 that accompanied the IDS were not received.

Applicant encloses herewith copies of each of the "Other Documents" listed on the Form PTO-1449 that accompanied the IDS filed February 20, 2001. A copy of the Form PTO-1449

that accompanied the IDS filed February 20, 2001 is also enclosed (in duplicate).

Applicant respectfully requests that each reference listed on the Form PTO-1449 be: (1) fully considered by the Patent and Trademark Office during the examination of this application; and (2) printed on any patent which may issue on this application. Applicant requests that a copy of the Form PTO-1449, as considered and initialized by the Examiner, be returned with the next communication.

#### Conclusion

The foregoing demonstrates that this application is in condition for allowance. Applicant therefore respectfully requests prompt reconsideration and allowance of this application.

I hereby certify that this  
Correspondence is being  
deposited with the U.S.  
Postal Service as First  
Class Mail in an envelope  
Addressed to:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450 on

*April 23, 2003*  
Claire J. Santil-van Goodman

*[Signature]*  
Signature of Person Signing

Respectfully submitted,

*[Signature]*  
Jared Kneitel  
Registration No. 51,178  
Agent for Applicant  
FISH & NEAVE  
Customer No. 1473  
1251 Avenue of the Americas  
New York, NY 10020  
Tel.: (212) 596-9000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Christopher A. Lee  
Application No.: 09/727,248 Confirmation No.: 4353  
Filed : November 29, 2000  
For : INTERACTIVE WAGERING SYSTEM WITH  
AUTOMATIC RUNNER SELECTION  
Group Art Unit : 3713  
Examiner : John M. Hotaling II

Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESUBMISSION OF COPIES OF REFERENCES LISTED IN THE  
INFORMATION DISCLOSURE STATEMENT FILED FEBRUARY 20, 2001

Sir:

The Examiner in the above-identified case called the undersigned on July 16, 2003 to request copies of the "Foreign Documents" and "Other Documents" submitted in connection with the Information Disclosure Statement filed February 20, 2001.

Applicant encloses herewith copies of each of the "Foreign Documents" and "Other Documents" listed on the Form PTO-1449 that accompanied the IDS filed February 20, 2001. A copy of the Form PTO-1449 that accompanied the IDS filed February 20, 2001 is also enclosed (in duplicate).

RECEIVED  
JUL 21 2004  
TECHNOLOGY CENTER  
JUL 21 2004

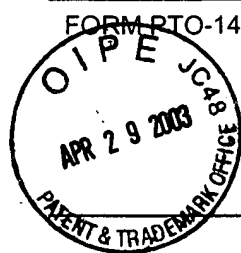
Applicant respectfully requests that each reference listed on the Form PTO-1449 be: (1) fully considered by the Patent and Trademark Office during the examination of this application; and (2) printed on any patent which may issue on this application. Applicant requests that a copy of the Form PTO-1449, as considered and initialized by the Examiner, be returned with the next communication.

Respectfully submitted,



---

Jared Kneitel  
Registration No. 51,178  
Agent for Applicant  
FISH & NEAVE  
Customer No. 1473  
1251 Avenue of the Americas  
New York, NY 10020  
Tel.: (212) 596-9000



FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT(S)

ATTY. DOCKET NO.  
ODS-20

APPLICATION NO.  
09/727,248

APPLICANT  
Christopher A. Lee

CONFIRMATION NO.  
4353

FILING DATE  
November 29, 2000

GROUP  
2163

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,830,068	11/03/98	Brenner et al.	463	42	
	5,564,977	10/15/96	Algie	463	25	
	5,415,416	05/16/95	Scagnelli et al.	273	439	
	5,408,417	04/18/95	Wilder	364	479	
	5,249,044	09/28/93	Von Kohorn	358	86	
	5,233,654	08/03/93	Harvey et al.	380	20	
	5,227,874	07/13/93	Von Kohorn	358	84	
	5,083,800	01/28/92	Lockton	273	439	
	5,083,271	01/21/92	Thacher et al.	364	411	
	4,799,683	01/24/89	Bruner Jr.	273	138 A	
	4,706,121	11/10/87	Young	358	142	
	4,704,725	11/03/87	Harvey et al.	380	9	

RECEIVED  
MAY 12 2003

TECHNOLOGY CENTER R3700

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	2 300 535 A	11/06/96	UK	H04N	5/ 262		
	WO 95/01058	01/05/95	PCT	H04N	7/16		
	0 624 039 A2	11/09/94	EPO	H04N	7/173		
	0 620 688 A2	10/19/94	EPO	H04N	7/14		

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not conformance and not considered. Include copy of this form with next communication to applicants.

FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.  
ODS-20APPLICATION NO.  
09/727,248INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT(S)APPLICANT  
Christopher A. LeeCONFIRMATION NO.  
4353FILING DATE  
November 29, 2000GROUP  
2163

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER INITIAL	
	You Bet Help File, Youbet.com, Inc., Los Angeles, California, last modified July 11, 1998, pp. 1-132.
	Maury Wolff, "Interactive Wagering A Good Bet," Daily Racing Form, January 29, 1995, p. 4.
	John Burgess, "And We're Off To The Races!" The Washington Post, January 16, 1995, pp. 17-18.
	Ross Peddicord, "New On TV: You Bet Your Horse," The Sun, Baltimore, Maryland, December 15, 1994.
	Yee-Hsiang Chang et al., "An Open-Systems Approach To Video On Demand," IEEE Communications Magazine, May 1994, pp. 68-80.
	TrackMaster User's Guide Version 2.0.7, April, 1994, AXCIS Pocket Information Network, Inc., Santa Clara, California, pp. 1-122.
	Tiny Tim Brochure, AutoTote Systems Inc., Newark, Delaware (undated).
	Probe XL Brochure, AutoTote Systems, Inc., Newark, Delaware (undated).

**RECEIVED**  
**MAY 12 2003**

TECHNOLOGY CENTER R3700

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not conformance and not considered. Include copy of this form with next communication to applicants.